

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Roland Robinson, #128250,)	C/A No.: 3:09-1615-JFA-JRM
)	
Plaintiff,)	
vs.)	ORDER
)	
State of South Carolina; Georgetown County,)	
)	
Defendants.)	
_____)	

The *pro se* plaintiff, Roland Robinson, is an inmate at the Turbeville Correctional Institution, a facility of the South Carolina Department of Corrections (“SCDC”). He initiated this action pursuant to 42 U.S.C. § 1983 contending that he was wrongfully convicted and imprisoned in 1985 and 1993. He is no longer in custody on those convictions. He seeks damages in the amount of \$1,000,000.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein he suggests that this court should summarily dismiss the complaint and deem it a “strike” under 28 U.S.C. § 1915(g). The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The plaintiff did not file timely objections to the Report and Recommendation despite the court granting him an additional thirty days to file his objections until August 15, 2009.

In the Report, the Magistrate Judge correctly suggests that defendant State of South Carolina is immune from suit under the Eleventh Amendment to the United States Constitution. Additionally, the Magistrate Judge's conclusion that defendant Georgetown County is entitled to summary dismissal is correct. Georgetown County is not responsible for actions taken by any state courts or for any alleged constitutional violations regarding plaintiff's criminal cases.

After a careful review of the record, the applicable law, and the Report, the court finds the Magistrate Judge's recommendation to be proper and the Report is incorporated herein by reference. The court has reviewed the plaintiff's objections and finds that they are without merit. Accordingly, this action is dismissed without prejudice and without issuance and service of process. This action is also deemed a strike under the "three strikes" rule of 28 U.S.C. § 1915(g).

IT IS SO ORDERED.

August 17, 2009
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge